

# MEETING MINUTES

## CITY OF MILPITAS

**Minutes of:** Special Meeting of the Milpitas City Council  
**Date:** Tuesday, June 23, 2020  
**Time:** 5:30 PM  
**Location:** Meeting held via teleconference/zoom webinar online  
Milpitas, CA

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### CALL TO ORDER

Mayor Tran called the special meeting to order at 5:34 PM. The City Clerk called the roll. The meeting took place via teleconference and zoom webinar.

**PRESENT:** Mayor Tran, Vice Mayor Nuñez, Councilmembers Dominguez, Montano and Phan

**ABSENT:** None

### CLOSED SESSION

City Council adjourned to Closed Session for one labor negotiation item. Council exited closed session at 6:15 PM.

### CLOSED SESSION ANNOUNCEMENT

City Attorney Chris Diaz stated there was no announcement out of Closed Session while Council gave direction to staff.

### PLEDGE

Mayor Tran led all in the pledge of allegiance.

### ANNOUNCEMENT

City Manager McHarris asked to clarify a request made by Councilmember Dominguez the previous week on June 16, concerning a moratorium for consideration. Mr. McHarris asked the City Council if it intended to hear this topic on the last meeting in June on the 30<sup>th</sup> for a discussion. If so directed, an ordinance would be on a later meeting date. He requested clarification on what and when the Council would hear it.

City Attorney Diaz asked each Councilmember separately to respond.

Councilmembers Phan and Montano were okay to have a discussion but not to vote on an ordinance. Councilmember Dominguez wanted an ordinance brought.

Vice Mayor Nuñez and Mayor Tran did not favor an ordinance. Mr. Nuñez felt the Council could discuss this later on the agenda during his meeting.

Thus, the City Manager concluded that the topic would not come back for discussion on June 30, based on the above vote and remarks.

Vice Mayor Nuñez sat in on a recent Arts Commission meeting, where he viewed a rendering of the bridge (BART pedestrian overcrossing at Montague Expressway), which would begin construction on July 10. Adding additional art there was under consideration.

Councilmember Dominguez missed the voices of the community at City Council meetings. She asked if there was a way to have "raised hands" for the public (on zoom webinar), to participate during meetings.

### PUBLIC FORUM

City Clerk read aloud 21 comments, submitted by residents in writing via form online, from: Milpitas Renters Coalition, Elena Gill, Allysson McDonald, Voltaire Montemayor, Tiffany Vuong, Adrian Alvarez, Lisa Moreno, Tom McCallister, Kyle Dacallos, Jackie

Romero, Kevin Langdorf, Tina Ortiz, Gregory Cahan, Larry McConnell, Kevin Rodriguez, Miguel Resendez, Kerry Clark, Mikaila P, Jammie Schletzbaum, no name provided and Chris Rios.

**ANNOUNCEMENT OF  
CONFLICT OF INTEREST  
AND CAMPAIGN  
CONTRIBUTIONS**

The City Attorney asked the Mayor and City Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. By roll call, no conflicts or contributions were reported.

**APPROVAL OF AGENDA**

Motion: to approve the agenda for this special meeting on June 23, 2020

Motion/Second: Councilmember Montano/Councilmember Dominguez

Motion carried by a vote of: AYES: 5  
NOES: 0

**PUBLIC HEARING**

**1. Annual Community  
Development Block Grant  
funding**

Director of Building Safety and Housing Sharon Goei discussed proposed funding from the federal Department of Housing and Urban Development for the annual allocation of Community Development Block Grants to the City of Milpitas in Fiscal Year 2020-21, totaling \$676,413. Including prior year funds of \$290,039 and CDBG-CV funds of \$397,911, the total funding was \$1,364,363.

Housing Manager Adam Marcus discussed the CARES Act funding allocation of additional CDBG-CV (Covid funds) awarded to Milpitas in the amount of \$397,911.

Ms. Goei summarized recommended allocations to nonprofit organizations, in the three segments of CDBG funds.

City Clerk read aloud comments submitted by four people: Joanne Price of Life Moves, Chris Rios, Voltaire Montemayor, and Georgia Bacil of Senior Adult Legal Services. The non-profit Rebuilding Together's Deanne Everton addressed the Council directly in the zoom meeting, regarding three requests related to housing.

(1) Motion: to close the public hearing, following five comments

Motion/Second: Councilmember Dominguez/Vice Mayor Nuñez

Motion carried by vote of: AYES: 5  
NOES: 0

Mayor Tran thanked staff and the City Council CDBG Subcommittee.

Vice Mayor Nuñez commented on changes to the funding that he and Councilmember Dominguez had requested during CDBG Subcommittee meetings, to arrive at the spreadsheet on display at this meeting. He commented that the CDBG funding for capital projects at the Sunnyhills apartments was new and was starting another commitment from the City to continue assisting Sunnyhills residents.

Councilmember Montano referred to a potential Day Worker Program that could help homeless workers. She wanted this topic to be considered in the future, during the next funding cycle.

(2) Motion:

- 1) To approve the amendment to the FY 2019-2020 Annual Action Plan
- 2) To approve Community Development Block Grant funding for FY 2020-2021

- 3) To approve the draft FY 2020-2021 Annual Action Plan
- 4) To authorize the City Manager (or his designee) to make any necessary changes to the approved draft FY 2020-2021 Annual Action Plan, as needed to comply with CDBG submission guidelines
- 5) To authorize the City Manager to execute agreements for CDBG funds with the approved subrecipients (non-profit organizations)
- 6) To direct staff on any revised Council priorities to guide FY 2021-22 outreach (none were identified)
- 7) To approve a budget appropriation of \$748,629 into the Building Safety and Housing FY 2020-21 operating budget

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

Motion carried by vote of: AYES: 5  
NOES: 0

## **AGENDA ITEMS**

### **2. Polling on potential Sales Tax ballot measure**

Assistant City Manager Ashwini Kantak and Curt Below from FM3 reported on polling of Milpitas voters conducted on a potential sales tax ballot measure. Staff recommended City Council proceed with ballot measure language including a “sunset” on a special additional ¼ cent sales tax for the November 3, 2020 election.

Vice Mayor Nuñez wanted to know precisely what the money would be spent on, toward what City expenditures.

City Clerk read aloud comments from five residents: Jammie Schletzbaum, Allysson McDonald, Lisa Moreno, Voltaire Montemayor, and Jackie Romero.

Motion: to receive staff and consultant FM3 reports regarding public opinion polling for a ¼ cent General Sales Tax ballot measure, and to direct staff to return on August 4, 2020 with the ballot measure language for a ¼ cent General Sales Tax with an eight-year sunset clause for placement on the ballot for the November 3, 2020 General Election

Motion/Second: Mayor Tran/Councilmember Montano

Motion carried by a vote of: AYES: 4  
NOES: 1 (Dominguez)

### **3. Agreement with Two Vendors for Homeless Encampment clean up services**

Director of Public Works Tony Ndah detailed work done by Public Works staff, as required to clean up vacant city sites where homeless encampments had been sited. He explained homeless support services provided by City staff including by Police, Building Safety and Housing, and Public Works departments. Mr. Ndah reported that he met with union representatives on these contracts, and then responded to questions from the Mayor and Councilmembers.

Police Captain Jared Hernandez explained the work of the Homeless Outreach Team (“HOT”) of the Milpitas Police Department funded by a grant, offering assistance to homeless people in Milpitas.

City Clerk read aloud comments from 12 residents on this topic: Ilze Duarte, Jennifer Hare, Yolie Garcia, Allysson McDonald, Jammie Schletzbaum, Keith Brown, Audrey Jimenez, Kate Leary, Charles Schletzbaum, Tiffany Vuong, Voltaire Montemayor, and Jackie Romero.

Motion: (1) to approve and authorize the City Manager to execute on-call maintenance service agreements with Yerba Buena Engineering & Construction Inc. and Tucker Construction Inc. for Homeless Encampment Cleanup services, for an annual amount not to exceed \$100,000 per vendor, for a term through June 21, 2025 for total maximum compensation of \$500,000 per vendor, subject to annual appropriation of funds; and, (2) to authorize City Manager to amend the two contracts' not to exceed amounts to allocate annual appropriations, depending on service availability of the vendors

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

#### 4. Report on AB 398

City Attorney Diaz explained proposed legislation that Assemblymember Kansen Chu's office asked the City Council to consider. Assembly Bill 398 would add a new tax on large private for-profit businesses, of \$275 per employee for five years, to help with Covid-19 response.

After hearing comments from his colleagues and without evident support, Mayor Tran said no vote would proceed regarding support for this legislation.

City Clerk read aloud public comments of Allysson McDonald and Voltaire Montemayor.

#### CONSENT CALENDAR

Consent calendar was considered and voted on earlier, prior to the Public Hearing.

Motion: to approve the four agenda items on consent, items no. C5 – C8

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 5  
NOES: 0

#### C5. Resolution Calling Election on Nov. 3

Adopted Resolution No. 8987 calling a General Municipal Election for the City of Milpitas on Tuesday, November 3, 2020, requesting consolidation with the statewide presidential election and requesting election services from the Santa Clara County Registrar of Voters.

#### C6. Amendment to Agreement with Cayenta

Approved and authorized the City Manager to execute Amendment No. 2 to the agreement with Cayenta, a division of N. Harris Computer Corporation, Inc. for implementation and upgrade of the financial and utility billing software systems to extend the term of service date from July 14, 2020 to December 14, 2020.

#### C7. Accept Grant – CalRecycle funds

Accepted grant funding from CalRecycle's Beverage Container Recycling City/County Payment program and approved a budget appropriation for \$18,932 in the Public Works Department FY 2020-21.

#### C8. Accept Grant – County Youth Voter Registration

Accepted grant funding from the Santa Clara County Office of Women's Policy for Youth Voter Registration promotion and activities in the amount of \$2,000 and approved a budget appropriation for \$2,000 in Recreation and Community Services FY 2020-21 operating budget.

#### ADJOURNMENT

Mayor Tran adjourned the special meeting at 12:02 AM on Wednesday, June 24, 2020, after taking a moment of peace.

***The foregoing minutes were approved by Milpitas City Council on August 4, 2020.***

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**Mary Lavelle, City Clerk**